

# Exhibit 13

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEW JERSEY

3 NATIONAL COLLEGIATE ATHLETIC )  
4 ASSOCIATION, an unincorporated )  
5 association, NATIONAL BASKETBALL )  
6 ASSOCIATION, a joint venture, )  
7 NATIONAL FOOTBALL LEAGUE, an )  
8 unincorporated association, )  
9 NATIONAL HOCKEY LEAGUE, an )  
10 unincorporated association, and )  
11 OFFICE OF THE COMMISSIONER OF )  
12 BASEBALL, an unincorporated )  
13 association doing business as )  
14 MAJOR LEAGUE BASEBALL, )

15 Plaintiffs, )

16 -vs- )

17 CIVIL ACTION NO.  
18 3:12-cv-04947-MAS-LHG

19 CHRISTOPHER J. CHRISTIE, )  
20 Governor of the State of )  
21 New Jersey, DAVID L. REBUCK, )  
22 Director of the New Jersey )  
23 Division of Gaming Enforcement, )  
24 and Assistant Attorney General )  
25 of the State of New Jersey, and )  
FRANK ZANZUCCI, Executive )  
Director of the New Jersey )  
Racing Commission, )

Defendants. )

DEPOSITION OF RACHEL NEWMAN BAKER

The deposition upon oral examination of RACHEL  
NEWMAN BAKER, a witness produced and sworn before  
me, Tamara J. Brown, CSR, RMR, CRR, Notary Public in  
and for the County of Marion, State of Indiana,  
taken on behalf of the Defendants, at the offices of  
Ice Miller, One American Square, Indianapolis,  
Marion County, Indiana, on the 30th day of October,  
2012, pursuant to the Federal Rules of Civil  
Procedure with written notice as to time and place  
thereof.

1 attorney-client communications. So you have our  
2 objection.

3 MR. SIGLER: Ms. Baker, are you going to  
4 follow your counsel's instruction not to answer  
5 that question?

6 THE WITNESS: Yes.

7 Q Ms. Baker, does the term sports wagering mean  
8 the same thing as sports gambling, to the NCAA?

9 A Yes.

10 Q And just to be clear, when I used the term  
11 sports gambling today, I mean it in the sense  
12 that you defined it earlier in the way that the  
13 NCAA defines it. Okay?

14 A Okay.

15 Q In the NCAA's view, does sports gambling include  
16 fantasy football leagues where there's an  
17 entrance fee and payout to the winner?

18 A If there is an entry fee and prize, yes, that's  
19 considered sports gambling.

20 Q In the NCAA's view, does sports gambling include  
21 March Madness pools such as an office pool  
22 through which someone pays an entrance fee and  
23 there's a payout to the winner?

24 A Yes, if both pieces exist, it's considered  
25 sports gambling.

1 Q Are there any others?

2 A Not that I can think of.

3 Q Ms. Baker, you mentioned that the NCAA contends  
4 that New Jersey sports gambling law would cause  
5 harm by affecting the integrity of the game. Do  
6 I have that correct?

7 A Correct.

8 Q Can you explain to me that allegation?

9 A Well, if there are additional opportunities for  
10 sports wagering, then the concern is that there  
11 would obviously be additional opportunities for  
12 our student athletes to be approached to  
13 compromise something within that athletic  
14 contest.

15 Q So is the NCAA's concern about the integrity of  
16 its games premised on the belief that  
17 legalization of sports wagering in New Jersey  
18 would result in additional opportunities for  
19 sports gambling?

20 A That is one piece of it, yes.

21 Q Does the NCAA contend that legalizing sports  
22 gambling in New Jersey will increase the level  
23 of sports gambling in the United States?

24 A Absolutely.

25 Q What's the basis for that contention?

1 A Well, sports gambling has increased every year,  
2 according to our studies, from a student athlete  
3 perspective. And it would be common sense that  
4 if you provide additional opportunities, there's  
5 going to be an increase in the number of people  
6 participating.

7 Q So the NCAA's contention that legalizing sports  
8 gambling in New Jersey would increase the level  
9 of sports gambling in the United States is based  
10 on common sense?

11 A Partly, and partly based on our survey numbers.

12 Q Anything else?

13 A Those are the main ones.

14 Q Anything else that you can think of?

15 A Not that I can recall at the moment.

16 Q In the United States there's both legal and  
17 illegal sports gambling, as we discussed  
18 earlier, correct?

19 A Yes.

20 Q Does the NCAA know how much legal sports  
21 gambling on NCAA sporting events occurs in the  
22 United States?

23 A I do not. I do know that the tournament has  
24 exceeded the Super Bowl in the state of Nevada,  
25 in terms of the numbers bet, amounts bet.

1           hundreds of millions?

2       A    I do not.   The FBI used to share a figure  
3           related to the amount they projected was  
4           wagered, and that's the number I'm thinking of,  
5           I just can't recall what that number is.

6       Q    Does the NCAA know how much illegal sports  
7           gambling on NCAA sporting events occurs in the  
8           United States?

9       A    I do not.

10      Q    Does the NCAA know how much total sports  
11           gambling occurs in the United States on NCAA  
12           sporting events?

13      A    I do not, other than the numbers from what our  
14           student athletes report to us in our studies,  
15           which is a high percentage, in our view, of  
16           their involvement in sports wagering.

17      Q    Are you aware of any studies performed by the  
18           NCAA or otherwise that show how much sports  
19           gambling on NCAA sporting events there is in the  
20           United States?

21      A    Not that I recall, other than our surveys.

22      Q    Do the surveys reflect how much sports gambling  
23           there is on NCAA sporting events in the  
24           United States?

25      A    No.   Our surveys reflect how much our student

1 athletes wager on NCAA events.

2 Q So the NCAA is not aware of any studies or other  
3 analyses that reflect how much sports gambling  
4 there is on NCAA sporting events in the  
5 United States, correct?

6 MR. DREYER: Objection. I think you've  
7 changed your question from what you asked  
8 before. So you have my objection. You can  
9 answer if you are able to.

10 THE WITNESS: Can you repeat the question?

11 MR. SIGLER: Can you read the question  
12 back?

13 (The previous question was read back by the  
14 reporter as follows: "So the NCAA is not aware  
15 of any studies or other analyses that reflect  
16 how much sports gambling there is on NCAA  
17 sporting events in the United States, correct?")

18 A I'm sure there have been other studies on sports  
19 wagering, just none that I can recall at the  
20 moment. I know that ours was the largest of its  
21 kind.

22 Q And by yours you mean the student athlete  
23 studies that the NCAA performed?

24 A The NCAA studies, yes.

25 Q Other than the NCAA's studies, which we will get

1 to, are you aware of any other studies regarding  
2 the level of sports gambling on NCAA sporting  
3 events in the United States?

4 A Again, I'm sure that there have been, just none  
5 that are coming to mind immediately.

6 Q Did you take any steps in connection with this  
7 deposition to search for studies relating to the  
8 impact of sports gambling on the NCAA or its  
9 member institutions?

10 A I did not.

11 Q And at any point relating to this case, have you  
12 taken any steps to search for studies relating  
13 to the impact of sports gambling on the NCAA or  
14 its member institutions?

15 A No. Because the NCAA study is enough data and  
16 information, I believe, for purposes of this  
17 case.

18 Q Does the NCAA have any estimate of how much  
19 legal sports gambling on NCAA sporting events  
20 would occur in the United States if New Jersey  
21 moves forward with legalizing sports gambling?

22 A We have not conducted a study on that, no. I  
23 can tell you that there would have been student  
24 athletes from the state of New Jersey included  
25 as part of the NCAA study, but because that



1 study is anonymous there would be no way to know  
2 which teams from which schools participated. I  
3 just know that there have been teams from those,  
4 from that state included.

5 Q And because the students were not broken out by  
6 state, it would be impossible to know from that  
7 survey about the specific level of gambling in  
8 New Jersey, correct?

9 A Correct. There would be no way to do that on a  
10 regional basis. We would just be able to show  
11 in total that there's a high percentage of  
12 involvement by our student athletes overall.

13 Q So just to be clear, the NCAA does not have any  
14 estimate about how much legal sports gambling on  
15 NCAA sporting events would occur in the  
16 United States after New Jersey moves forward  
17 with legalizing sports gambling?

18 A We do not have any numbers, to my knowledge, no.

19 Q Does the NCAA have any estimate of how much  
20 illegal sports gambling on NCAA sporting events  
21 would occur in the United States if New Jersey  
22 moves forward with legalizing sports gambling?

23 A Seeing as how I don't have a reference point  
24 because I don't have a number for illegal  
25 gambling, I don't think I can answer that

1 question either.

2 Q So the NCAA has no estimate; is that correct?

3 A Not to my knowledge.

4 Q Does the NCAA have any estimate of how much  
5 sports gambling total would occur on NCAA  
6 sporting events in the United States if  
7 New Jersey moves forward with legalizing sports  
8 gambling?

9 A I'm sorry, can you repeat the question?

10 MR. SIGLER: Would you mind reading that?

11 Thank you.

12 (The previous question was read back by the  
13 reporter as follows: "Does the NCAA have any  
14 estimate of how much sports gambling total would  
15 occur on NCAA sporting events in the United  
16 States if New Jersey moves forward with  
17 legalizing sports gambling?")

18 A No, I do not.

19 Q Is the NCAA currently undertaking any analysis  
20 or study to try to estimate what impact there  
21 would be on the level of sports gambling on NCAA  
22 sporting events if New Jersey moves forward with  
23 legalizing sports gambling?

24 A Not to my knowledge.

25 Q Does the NCAA have any studies or analyses

1       regarding the level of sports gambling in the  
2       United States on NCAA sporting events that would  
3       exist if any state moves forward with legalizing  
4       sports gambling?

5               MR. DREYER:   Just one second.   You can  
6       answer.

7       A    I'm sorry, that's a long question.   Can you read  
8       that back, or could I have it repeated?

9               (The previous question was read back by the  
10       reporter as follows:   "Does the NCAA have any  
11       studies or analyses regarding the level of  
12       sports gambling in the United States on NCAA  
13       sporting events that would exist if any state  
14       moves forward with legalizing sports gambling?")

15       A    Yes, I believe our study covers that, because it  
16       asks our student athletes about their sports  
17       wagering activities specific to NCAA sports.

18       Q    And you're referring to the studies the NCAA has  
19       performed of student athlete gambling levels?

20       A    Correct.

21       Q    Does the NCAA have any studies regarding the  
22       estimated impact on overall sports gambling  
23       levels if any state were to move forward with  
24       legalizing sports gambling?

25       A    No, not to my knowledge.

1 Q Does the NCAA have any studies or analyses  
2 regarding how much sports gambling on NCAA  
3 sporting events occurs in Las Vegas?

4 A No, I do not believe that we have any. I'm  
5 pausing because I want to make sure -- I don't  
6 have our study questions in front of me. There  
7 may be a question in that study that  
8 specifically asks student athletes about placing  
9 bets in the state of Nevada, but I can't recall  
10 with a hundred percent certainty.

11 Q You are referring to the student athlete study  
12 the NCAA has performed?

13 A Correct.

14 Q And just to confirm, the NCAA doesn't have any  
15 studies regarding the level of sports gambling  
16 in Las Vegas overall, correct?

17 MR. DREYER: Objection to the form of the  
18 question, asked and answered, but you can  
19 answer.

20 A I'm not aware of any other studies other than  
21 our student athlete study that asks questions  
22 specific to potentially placing bets in the  
23 state of Nevada.

24 Q Does the NCAA have any estimate of how much  
25 sports gambling on NCAA sporting events would

1 occur in Las Vegas if New Jersey moves forward  
2 with legalizing sports gambling?

3 A Not to my knowledge, no.

4 Q Does the NCAA have any information about whether  
5 legalizing sports gambling in New Jersey would  
6 cause the level of sports gambling in Nevada to  
7 go down?

8 A Do we have any studies, did you say?

9 Q Any information.

10 A No. I actually would opine that it would not  
11 have an impact on Nevada.

12 Q What's the basis for that opinion?

13 A That it's just adding another opportunity for  
14 sports betting, which would not eliminate people  
15 using or going other places to do it, it would  
16 just provide an additional avenue.

17 Q And what's the basis for that view?

18 A Just based on my ten years of experience at the  
19 NCAA dealing with these issues and seeing the  
20 cases of our student athletes, coaches,  
21 administrators, and numbers from our study that  
22 continue to increase with our student athletes'  
23 involvement in gambling, sports wagering  
24 specifically.

25 Q Anything else?

1 A No.

2 Q Does the NCAA know how much sports gambling on  
3 NCAA sporting events occurs currently in  
4 New Jersey?

5 A I do not know.

6 Q Does the NCAA have any information about how  
7 much sports gambling on NCAA sporting events  
8 occurs in New Jersey?

9 A I do not know.

10 Q Does the NCAA have any estimate of how much  
11 sports gambling on NCAA sporting events would  
12 occur in New Jersey if New Jersey moves forward  
13 with legalizing sports gambling?

14 MR. DREYER: Before you answer that, can  
15 you just let me know which 30(b)(6) topic you  
16 think this line of questioning relates to?

17 MR. SIGLER: Let's get an answer to the  
18 pending question.

19 MR. DREYER: No, there's an objection. So  
20 can you tell me which 30(b)(6) topic this  
21 relates to?

22 MR. SIGLER: It relates to a number of  
23 them, Mr. Dreyer. Let's continue.

24 MR. DREYER: Can you identify any of them?

25 Q Ms. Baker, could you please answer my question?

1 MR. DREYER: There's a standing objection.

2 MR. SIGLER: Are you directing her not to  
3 answer?

4 MR. DREYER: There's an objection, standing  
5 objection.

6 MR. SIGLER: Are you directing her not to  
7 answer?

8 MR. DREYER: If it is not within a 30(b)(6)  
9 topic, I am. So can you please direct me to the  
10 30(b)(6) topic or topics you believe this is  
11 relevant to?

12 MR. SIGLER: Topic 2. All right. Let's  
13 continue. Can you read the question back,  
14 please.

15 MR. DREYER: You have an objection. She  
16 can answer the question, but you have my  
17 objection. I think you have gone far afield of  
18 the topic, but you have my objection. The  
19 witness can answer if she is able to, if the  
20 court reporter would read back the question.

21 (The previous question was read back by the  
22 reporter as follows: "Does the NCAA have any  
23 estimate of how much sports gambling on NCAA  
24 sporting events would occur in New Jersey if New  
25 Jersey moves forward with legalizing sports

1 gambling?")

2 A I don't have any information to be able to  
3 answer that question.

4 Q So the NCAA doesn't have any studies, analyses,  
5 or other information that would contain such an  
6 estimate, correct?

7 A Not that I'm aware of.

8 Q Ms. Baker, earlier in the deposition you said  
9 that the NCAA is alleging that one of the harms  
10 it would experience from legalizing sports  
11 gambling in New Jersey is that it would affect  
12 the integrity of the NCAA's competitions,  
13 correct?

14 A Correct.

15 Q Is the concern that legalizing sports gambling  
16 in New Jersey would cause match fixing?

17 MR. DREYER: Object to the form of the  
18 question. You can answer.

19 A I think that's one of the concerns. And the  
20 term we use is more often point shaving issues.  
21 And we've seen that occur even within the state  
22 of Nevada, obviously, where gambling is legal.

23 Q And is point shaving a type of match fixing?

24 A Yes.

25 Q Okay. So when I refer to match fixing, I mean



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1       relying on to contend that New Jersey's  
2       legalization will result in match fixing?

3       A   No, I'm just relying on the work that I do in  
4       this area, and the conversations and  
5       relationships that I have built with those folks  
6       in order to be considered someone that has a lot  
7       of knowledge in this particular area. So I'm  
8       just relying on conversations and my job  
9       responsibilities.

10      Q   So does the NCAA have any surveys or analyses  
11       regarding the level of match fixing  
12       internationally?

13      A   No surveys.

14      Q   Does the NCAA have any analyses regarding the  
15       incidence of match fixing internationally?

16      A   Not that I'm aware of.

17      Q   Other than the examples that we talked about  
18       earlier, Toledo, San Diego State, Arizona State,  
19       Auburn and Hawaii, are there any other examples  
20       of cases involving the NCAA relating to match  
21       fixing on which the NCAA is relying?

22               MR. DREYER: Same objection as to what the  
23       NCAA is relying on in this case. I don't think  
24       that's one of the 30(b)(6) topics. I think  
25       that's a standing objection. I just want to

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1 A Case Management System.

2 Q Does the NCAA have an estimate of how many match  
3 fixing cases it would have next year if  
4 New Jersey moves forward with legalizing sports  
5 gambling?

6 MR. DREYER: Objection to the form, to the  
7 term match fixing cases, but you can answer if  
8 you are able to.

9 A I don't have any estimates related to the, to  
10 next year. I can tell you that for the last two  
11 years we've had four cases.

12 Q And those four cases related to match fixing?

13 A Those were the four cases we just reviewed.

14 Q Does the NCAA rely on self reporting by  
15 institutions to identify allegations of match  
16 fixing?

17 A Self reporting is one way that violations can be  
18 uncovered, but it is not the only way.

19 Q What are some of the other ways?

20 A Well, as part of my job responsibilities that we  
21 went over in the beginning, our charge is to  
22 develop information related to violations of  
23 NCAA rules.

24 Q Does the NCAA rely on sports gambling operators  
25 in Las Vegas to identify potential instances of

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1 match fixing?

2 A We don't rely on that, no, but we have had  
3 conversations with them before when they have  
4 spotted information that they believe could be a  
5 possible point shaving issue.

6 Q So you have had discussions with sports gambling  
7 operators in Las Vegas initiated by those sports  
8 operators?

9 MR. DREYER: Geoff, let me interpose an  
10 objection here. I think there was previously a  
11 30(b)(6) topic on relationships with sports  
12 gambling entities, and the judge ruled that was  
13 impermissible. So I'll let the witness answer  
14 this question yes or no, but I think we've gone,  
15 not only have gone far afield of designated  
16 topics, we've gone into an area the magistrate  
17 has previously ruled on.

18 MR. SIGLER: We'll note your objection. I  
19 disagree but note your objection.

20 MR. DREYER: The magistrate has ruled. You  
21 can answer the question yes or no. You can read  
22 it back, and we'll move on.

23 THE WITNESS: Can you please read it back?

24 (The previous question was read back by the  
25 reporter as follows: "So you have had

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1 discussions with sports gambling operators in  
2 Las Vegas initiated by those sports operators?")

3 A Yes.

4 Q Did any of those discussions initiated by sports  
5 gambling operators in Las Vegas lead to any of  
6 the five cases we discussed earlier?

7 MR. DREYER: You have my objection, Geoff.  
8 I don't know what purpose you think you're  
9 serving by violating the magistrate's ruling in  
10 this case. It is not a 30(b)(6) topic, and was  
11 expressly stricken by the magistrate. You can  
12 answer yes or no, but that's the last question  
13 on this line.

14 THE WITNESS: Can you please read it back?

15 (The previous question was read back by the  
16 reporter as follows: "Did any of those  
17 discussions initiated by sports gambling  
18 operators in Las Vegas lead to any of the five  
19 cases we discussed earlier?")

20 A I actually don't recall.

21 THE WITNESS: I don't know if we're  
22 switching subjects, but if we are, can we take a  
23 bathroom break?

24 MR. SIGLER: Let me ask one more question  
25 and we can do that.

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MR. SIGLER: All right. We can take a  
break.

9

10

THE WITNESS: Thank you.

11

(A recess was taken.)

12

Q Ms. Baker, earlier today we were discussing the  
harms that the NCAA alleges would result from  
New Jersey's legalization of sports gambling,  
correct?

13

14

15

16

A Yes.

17

Q And one of those harms that you mentioned was  
that it would create the perception among the  
public that the NCAA's contests are being  
influenced by sports gambling, correct?

18

19

20

21

A Correct.

22

Q Does this perception that you described already  
exist for some portion of the public?

23

24

A It, yes, it very well could.

25

Q Does the NCAA know whether that perception



1 exists in some portion of the public?

2 A I don't think I can speak for the entire general  
3 public, but I do know that as director of AGA, I  
4 have received emails from the general public  
5 when something has happened in a contest  
6 questioning the integrity of the game.

7 And obviously if there were additional  
8 avenues to place bets, it would seem realistic  
9 that that could only increase.

10 Q You believe the number of emails you would get  
11 regarding that perception would increase?

12 A I believe the number of people questioning when  
13 something happens in a game where an 18-year-old  
14 kid that is playing in front of a hundred  
15 thousand screaming fans accidentally drops a  
16 pass or makes a mistake, as a 17, 18, 19,  
17 20-year-old kid is going to do, that people in  
18 the general public could potentially, with an  
19 increase in betting, view that as something  
20 intentional on behalf of the student athlete.

21 Q But you don't know whether the number of people  
22 with that perception would increase, correct?

23 A I would assume that it would, yes.

24 Q You would assume it, but you don't know it,  
25 correct?

1 A Correct.

2 Q What's the basis for that assumption, other than  
3 the emails that you described earlier?

4 A I think also a lot of the media questions that I  
5 field as it specifically relates to gambling on  
6 NCAA contests.

7 Q Anything else?

8 A The cases themselves that we've had, the sports  
9 wagering, point shaving cases that we've had as  
10 well.

11 Q The five cases we discussed earlier?

12 A Correct.

13 Q Does the NCAA have any consumer surveys or  
14 studies regarding the level of public perception  
15 of match fixing?

16 A Not that I can recall, no, nothing that comes to  
17 mind.

18 Q Does the NCAA have any studies or analyses  
19 regarding the level of that perception in the  
20 public that would exist if New Jersey moves  
21 forward with legalizing sports gambling?

22 A Nothing that I can, that I'm aware of, no.

23 Q For people who currently have the perception  
24 that NCAA matches are being fixed, does the NCAA  
25 know where they get that perception?

1     A     I don't know that I could speak on behalf of  
2           people that I don't know.

3     Q     Does the NCAA have any studies, focus groups, or  
4           analyses regarding where people get that  
5           perception?

6     A     Not that I can recall. I would say that when  
7           people have a lot of money on the line, that  
8           that is one of the immediate conclusions that  
9           they draw when something in a game doesn't go  
10          their way. And that's just based on my years of  
11          experience being a director, as well as watching  
12          and observing people involved in gambling over  
13          the years.

14    Q     You're saying that people with the perception  
15          that matches are being fixed are often people  
16          who have bets placed on the matches?

17    A     I would guess that, yes, that could be, a  
18          percentage of people that have that perception  
19          are people that have a large amount of money on  
20          the game and a call doesn't go their way or a  
21          play doesn't go their way.

22    Q     Does the NCAA have any studies or analyses or  
23          focus groups to support that belief?

24    A     No. I have the emails that I have received over  
25          the years from people in the general public that

1 are complaining because they have lost amounts,  
2 certain amounts of money on a game because of a  
3 particular player or particular call.

4 Q Are you relying on that emails to support the  
5 belief that this perception would increase if  
6 New Jersey legalizes sports gambling?

7 A I'm relying on those emails as an example of how  
8 public perception or how individuals may  
9 perceive the game based on money that they have  
10 at risk on the game.

11 Q Do you still have those emails?

12 A Not that I can -- I don't intentionally save  
13 them, no, if they are just from the general  
14 public and there is no specific allegation of  
15 the NCAA rules.

16 Q Do you believe that you still have them, or not?

17 A No.

18 Q If the NCAA is concerned about the public  
19 perception that match fixing is occurring, then  
20 do you know why the NCAA has not conducted any  
21 focus groups, studies or surveys on this issue?

22 A Well, I wouldn't say "if the NCAA," the NCAA is  
23 concerned about the public perception of match  
24 fixing, and I think we spend an inordinate  
25 amount of time trying to educate both our

1 institution?

2 A Worked for the athletics department, yes.

3 Q How were the bets being placed in that case?

4 A Well, I don't know that there were bets being  
5 placed.

6 Q Is it the NCAA's contention that if New Jersey  
7 legalizes sports gambling, that there will be  
8 increases in student athlete sports gambling?

9 A Yes.

10 Q And it's because of those alleged increases that  
11 the NCAA contends that student athlete welfare  
12 would be impacted?

13 A Yes. The more avenues and opportunities where  
14 student athletes and coaches and athletic  
15 administrators can participate, the more  
16 concerned we are about that having a negative  
17 impact on their welfare.

18 Q Does the NCAA know how much sports gambling  
19 involving student athletes occurs in the  
20 United States?

21 A We know information from our studies that were  
22 conducted. We didn't survey every student  
23 athlete. But we have a general sense based on  
24 the 22, approximately 22 thousand Division 1, 2  
25 and 3 student athletes, what those results

1        football games where you have a hundred thousand  
2        people in the stands to watch, no, I don't have  
3        any information about that.

4        Q    Is it possible that some of those people are  
5        there because they had a rooting interest  
6        because they have placed a bet on the game?

7        A    It could, could be.

8        Q    And the NCAA doesn't have any studies, analyses  
9        or surveys regarding the number of people who  
10       have rooting interest because of their team or  
11       because of gambling or because of something  
12       else, correct?

13       A    No.

14       Q    So I believe you just described a fourth harm  
15       that the NCAA alleges. Is there -- are there  
16       any other harms that the NCAA alleges would  
17       result from New Jersey's legalization of sports  
18       gambling?

19                MR. DREYER: Same objection that the  
20       pleadings speak for themselves, but you can  
21       answer.

22       A    That harm, no, that's all that I can think of.

23       Q    The NCAA is not alleging that New Jersey's  
24       legalization of sports gambling would result in  
25       any financial loss to the NCAA or its member

1 institutions, correct?

2 MR. DREYER: Objection to the form of the  
3 question. You can answer.

4 A I don't think that we are. Our championships  
5 are still going to occur, they are just not  
6 going to occur in the State of New Jersey.

7 Q And the NCAA doesn't have any studies or  
8 analyses regarding any estimated financial loss  
9 resulting from New Jersey's legalizing sports  
10 gambling, correct?

11 A Not that I'm aware of.

12 Q And the NCAA is not alleging that New Jersey's  
13 legalization of sports gambling would result in  
14 any loss of viewership to the NCAA or its  
15 membership, correct?

16 MR. DREYER: Objection to the form of the  
17 question. You can answer the question.

18 A Not that I can recall.

19 Q Does the NCAA have any studies, surveys or  
20 analyses regarding the impact on viewership of  
21 New Jersey legalizing sports gambling?

22 A Not that I'm aware of.

23 Q Does the NCAA have any studies, analyses or  
24 surveys regarding the impact on TV ratings of  
25 New Jersey legalizing sports gambling?

1 A Not that I'm aware of.

2 Q And the NCAA is not alleging that New Jersey's  
3 legalization of sports gambling would affect TV  
4 ratings, correct?

5 MR. DREYER: Same objection, allegations in  
6 the case. You can answer.

7 A Not that I'm aware of.

8 Q The NCAA is not alleging that New Jersey's  
9 legalization of sports gambling would result in  
10 any loss of attendance to NCAA or its member  
11 institutions, correct?

12 MR. DREYER: Same objections as to  
13 allegations in the case. You can answer.

14 A Not that I know of.

15 Q And the NCAA doesn't have any surveys, studies  
16 or analyses regarding any decline in attendance  
17 that it alleges would result from legalizing  
18 sports gambling in New Jersey, correct?

19 A Can you repeat that question?

20 MR. SIGLER: Sure. I'll do it.

21 Q Does the NCAA have any studies or analyses  
22 showing any estimated decline in attendance that  
23 would result from New Jersey's legalizing sports  
24 gambling?

25 A Not that I'm aware of. I'm still not a hundred



1           percent sure I understand the question, though.

2       Q     Well, let's make sure you do.

3           Does the NCAA --

4       A     Go ahead. Sorry.

5       Q     Do you have a question about the question?

6       A     I do, but I'll wait and listen to what you're  
7           going to ask me.

8       Q     Does the NCAA have any studies or analyses  
9           showing the impact on attendance of New Jersey's  
10          legalization of sports gambling?

11      A     No studies or analyses.

12      Q     Does the NCAA have any information about the  
13          impact on attendance of New Jersey's  
14          legalization of sports gambling?

15           MR. DREYER: Objection to the form of the  
16          question. You can answer.

17      A     Here's where I'm getting confused: The impact  
18          on attendance is that there will not be any  
19          championships in New Jersey, so attendance for  
20          that is zero. So that's where I might be  
21          confusing myself.

22      Q     Those championships would be held somewhere  
23          else, correct?

24      A     Correct.

25      Q     So other than the loss of championships to

1           happened.

2       Q     Does the Pac-12 host its conference  
3           championships in Las Vegas?

4       A     I don't know if -- I don't believe they have  
5           previously hosted it there. Well, I can't say  
6           for sure. I know, I believe they are going to  
7           host their championship there this year. But I  
8           do not know if they have done it in the past.

9       Q     And just to be clear, that's their basketball  
10          tournament, correct?

11      A     Is that what you were referring to, the  
12          basketball tournament?

13      Q     Let me ask a clearer question. The Pac-10 will  
14          host its next several basketball championships  
15          at, in Las Vegas, correct?

16      A     The Pac-12 will, yes.

17      Q     The Pac-12 will host its next several  
18          championships in Las Vegas, correct?

19      A     I don't know about several. I know they are  
20          planning on coming this year. I don't know what  
21          the length of the contract or what the questions  
22          are. I know they are planning on being in Vegas  
23          this year, yes.

24      Q     The Mountain West Conference, the Western  
25          Athletic Conference, and the --

1 THE REPORTER: Wait, slow it down.

2 MR. DREYER: I would also suggest that you  
3 can ask any way you want, but we do these one at  
4 a time so we have a clear record, as the court  
5 reporter indicated. But it is your deposition.

6 Q The Mountain West Conference has hosted  
7 conference championships in Las Vegas, correct?

8 A Yes, and we have had staff that have gone out  
9 there to present and speak to the teams  
10 participating in the tournament.

11 Q Have you had any sports gambling related  
12 problems from that?

13 A None that I can recall. It was just last year  
14 that we participated -- we went out there and  
15 spoke to the teams.

16 Q The Western Athletic Conference has hosted its  
17 conference championship in Las Vegas, correct?

18 A Yes, I believe the WAC has also hosted, and I  
19 believe that was also another conference  
20 championship that we attended.

21 Q And has the NCAA had any sports gambling related  
22 problems from that conference tournament?

23 MR. DREYER: Objection to the form of the  
24 question. You can answer.

25 A None that have come to light.

1 Q The West Coast Conference has held its  
2 conference tournament in Las Vegas, correct?

3 A Yes, I believe so.

4 Q Has the NCAA had any sports gambling related  
5 problems from that tournament?

6 MR. DREYER: Same objection. You can  
7 answer.

8 A Again, none that have come to light, but I do  
9 know that institutions that have gone to compete  
10 in those conference tournaments have reached out  
11 to us to talk about proactively educating their  
12 student athletes that would be participating in  
13 those conference championships because they  
14 obviously knew of what some of the inherent  
15 risks to their participation there in that type  
16 of setting could be.

17 Q And to your knowledge, those education efforts  
18 worked, correct?

19 A I can't sit -- I can't speak for every student  
20 athlete that sat in there, but it was an effort  
21 that we gave in conjunction with the schools to  
22 try and provide that education.

23 MR. SIGLER: Let's go off the record.

24 (A discussion was held off the record.)

25 (A lunch recess was taken.)

1 A They didn't tell us how. They just said figure  
2 it out and do it.

3 Q So how did the NCAA monitor point spreads in  
4 response to that recommendation?

5 A Well, there were various ways. One was by  
6 establishing relationships with law enforcement,  
7 establishing relationships with folks in the  
8 industry.

9 Q What industry?

10 A In the gambling industry; by monitoring what was  
11 taking place online with the point spread, with  
12 internet sports books; and I'm not going to get  
13 all of them. There were several.

14 Q And with respect to establishing contacts with  
15 the gambling industry, does that mean that the  
16 NCAA was communicating with gambling operators  
17 in Nevada?

18 MR. DREYER: Before you answer the  
19 question, you're obviously getting into an area  
20 we previously objected to as beyond the scope of  
21 the 30(b)(6). I'll give you some latitude, but  
22 so the record is clear, the witness is  
23 testifying on her own behalf and not on behalf  
24 of the NCAA, since it's not within the scope of  
25 the 30(b)(6) categories the judge allowed.

1 MR. SIGLER: I disagree, but I appreciate  
2 the latitude, so we can move on.

3 MR. DREYER: No need form attitude either,  
4 just so the record's clear. Let's try and be  
5 civil. You can answer the question.

6 MR. WEGNER: I think he said latitude, not  
7 attitude.

8 MR. DREYER: No, I said there's no need for  
9 an attitude for Mr. Sigler. I'm trying to be  
10 professional here, and I'd appreciate the same  
11 courtesy.

12 THE WITNESS: Counsel, would you repeat the  
13 question?

14 (The previous question was read back by the  
15 reporter as follows: "And with respect to  
16 establishing contacts with the gambling  
17 industry, does that mean that the NCAA was  
18 communicating with gambling operators in  
19 Nevada?")

20 A Not at that time, no.

21 Q So who in the industry, if not gambling  
22 operators?

23 A Well, at the time that the request, or at the  
24 time that we were, it was suggested that that  
25 was an avenue to do it, we weren't doing it.

1       Yeah, if that answers the question.

2       Q   In response to the recommendation or request,  
3       did the NCAA in fact establish contacts with  
4       gambling operators in Nevada?

5       A   Yes. I did.

6       Q   And did those operators help the NCAA monitor  
7       point spreads?

8       A   I think that those operators and the NCAA  
9       understood that we were very much coming at this  
10      from two very different positions, and while our  
11      preference would be that there not be any  
12      wagering on sports in the state of Nevada or  
13      Vegas, that we were going to try and make the  
14      best of a bad situation.

15               And there have been -- this is one area  
16      where we both have an interest but for very  
17      different reasons -- and because of that, we  
18      have tried to have conversations about what's  
19      going on in the world of gambling, sports  
20      wagering.

21      Q   So was that a yes? Let me ask the question  
22      again just to make sure.

23               Did sports gambling operators in Nevada  
24      help the NCAA monitor point spreads?

25      A   Yes, they have.

1 Q And did that assistance lead to the NCAA being  
2 able to identify any instances of gambling  
3 misconduct?

4 A I think we talked about this this morning  
5 related to the point shaving incidents. And I  
6 don't recall whether any of those instances  
7 started with Vegas or started actually with law  
8 enforcement and then Vegas getting involved.

9 Q Do you recall getting any leads from gambling  
10 operators in Nevada?

11 A I recall having conversations with gambling  
12 operators about potential issues, yes. I just  
13 don't know the timing of when those occurred.

14 Q Okay. And which gambling operators were those?

15 A There have been several, Robert Walker at the  
16 MGM Mirage, Jay Kornegay at the Hilton, and  
17 Kenny White with Las Vegas Sports Consultants.

18 Q You're not getting any similar assistance from  
19 illegal gambling operators, correct?

20 MR. DREYER: Object to the form of the  
21 question. You can answer.

22 A I'm not sure how I would answer that, because,  
23 well, first off, if you consider the cases that  
24 we've worked on where our student athletes have  
25 been involved in illegal gambling activities,



1 A I do.

2 Q And that fantasy sports participation among  
3 student athletes is generally higher in 2008  
4 than in 2004. Do you see that?

5 A I do.

6 Q And the primary fantasy sport of interest is the  
7 NFL, but a substantial number of student  
8 athletes reported participating in collegiate  
9 fantasy sports, correct?

10 A Yes.

11 Q Now, was the increased participation in fantasy  
12 sports by student athletes viewed as a concern  
13 of the NCAA as a result of these survey results?

14 A I think all of the increases in gambling  
15 behaviors were viewed as a concern, so as part  
16 of that, yes.

17 Q And participation in a fantasy football league  
18 with an entry fee and prize money is considered  
19 gambling by the NCAA, correct?

20 A Yes, that would be a violation of our rule.

21 Q Looking down at the bottom of the page, there is  
22 a slide that summarizes participation in fantasy  
23 sports. Do you see that?

24 A I do.

25 Q And do you see that the percentage who -- of

1       males -- who reported participating in a fantasy  
2       league with entry fee and prize money was 17  
3       percent in 2008?

4       A    Yes.

5       Q    And from the slide at the top of the page, is it  
6       fair to say that the largest portion of student  
7       athletes participating in fantasy sports were  
8       participating in an NFL fantasy football league?

9       A    That's actually on the slide, the next page, it  
10      breaks out the NFL.

11      Q    Thank you. The next page, 3728, reflects that  
12      64 percent of males reported participating in an  
13      NFL fantasy league in the past twelve months,  
14      correct?

15      A    Yes, that's what it says.

16      Q    Is the NCAA equally concerned with student  
17      athletes' participation in fantasy sports  
18      leagues to its level of concern relating to  
19      legal sports betting at a sports book?

20           MR. DREYER: Object to the form of the  
21      question. You can answer.

22      A    Because it is a violation of our rules if they  
23      are paying something to participate with the  
24      opportunity to win something in the end, then  
25      yes, we would be concerned about that because

1           that would directly impact their eligibility,  
2           and that would be of great concern.

3       Q   And in the NCAA's view, are the two types of  
4           sports gambling equivalent in terms of the level  
5           of concern, legal gambling in a casino and legal  
6           participation in a fantasy sports league?

7       A   They are both violations of our rule if our  
8           student athletes or coaches or administrators  
9           engage in it.

10      Q   What steps has the NCAA taken to discourage  
11          participation in fantasy sports leagues?

12      A   We have provided an inordinate amount of  
13          education on the topic. Obviously with 400,000  
14          student athletes, it is impossible for us to  
15          individually interact with every single one of  
16          them. So we work very hard to educate our  
17          compliance folks that are on all of our campuses  
18          at the Division 1, 2, and 3 level about  
19          specifically what the NCAA rules are.

20                Because as the research will continue to  
21                show you, that does matter with whether or not  
22                student athletes participate, they want to know  
23                what the rules are, and they want to know what  
24                the consequences are, and that can have an  
25                impact on their decision.

1 Do you see that?

2 A I do.

3 Q Is that an accurate quote --

4 A Yes.

5 Q -- that you gave in connection with this press  
6 release?

7 A Yes.

8 Q And in what way did you find that the 2008  
9 survey showed that the NCAA's efforts with  
10 respect to education of student athletes were  
11 impactful?

12 A Particularly Division 1 student athletes who  
13 were the target of some of our most intensive  
14 educational efforts, they were more likely to  
15 report familiarity with the NCAA rules than what  
16 was reported in 2004, and approximately 90  
17 percent of the men and 95 percent of the women  
18 across all divisions had received some type of  
19 educational NCAA messaging.

20 Q Do the 2008 NCAA survey results show that  
21 education efforts by the NCAA can be effective  
22 in reducing the levels of student athlete  
23 gambling?

24 A I think the 2008 study showed that we have a lot  
25 of work to do, but in the areas where we had

1       tried to drill down, that it did make a  
2       difference, yes.

3       Q   And those efforts were men's basketball and  
4       men's football, correct?

5               MR. DREYER: Object to the form of the  
6       question. You can answer.

7       A   I would also say women's basketball, as well as,  
8       there's a multitude of educational initiatives  
9       that we've undertaken even in Division 1 in the  
10      form of newsletters, in the form of in-services,  
11      in-person presentations, videos, brochures.  
12      There were a variety of ways that we tried to  
13      provide that education for that population,  
14      posters.

15      Q   And the areas of focus for your education  
16      efforts between the '04 study and '08 study  
17      included Division 1 men's basketball and  
18      Division 1 men's football, correct?

19      A   Yes, those were two sports included.

20      Q   And those were two areas that you found those  
21      education efforts to be impactful, correct?

22      A   Yes.

23               (Deposition Exhibit 17 was marked for  
24      identification.)

25      Q   Ms. Baker, you have been handed a document

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1 question.

2 A Not to my knowledge.

3 Q Mr. Dreyer wasn't there?

4 A No.

5 Q Was there discussion about the lawsuit against  
6 New Jersey state officials at the summit?

7 A Not to my knowledge, no.

8 Q Were there representatives from any Nevada  
9 gambling operators at the summit?

10 A Gambling operators?

11 Q Were there representatives from any casinos?

12 A Let me think -- I can't recall -- none from the  
13 casinos, that I can remember specifically.

14 Q Do you recall anyone being there from the MGM  
15 Mirage?

16 A Yes. I'm getting two of them confused because  
17 we also host our own in-service, and I know that  
18 we had casino representatives at our own  
19 in-service. So I can't remember if Robert was  
20 there at the pro league or not, unfortunately.

21 Q Robert Walker?

22 A No. What is the guy's name? Jay, Jay Rood.

23 Q Jay Rood?

24 A Jay Rood runs the sports book. At one point an  
25 administrator, an executive was supposed to have

1 Q Do you agree with the trends listed at the  
2 bottom of 2316?

3 A I agree that based on the cases that our staff  
4 has been involved in, that those have been some  
5 recurring themes, yes.

6 Q Turning on to 2317, do you see the list at the  
7 top of "Sports Wagering Major Infractions  
8 Cases"?

9 A Yes, I see that.

10 Q And the print is somewhat small. This is the  
11 only copy that we got. But the first example  
12 appears to be from University of Missouri,  
13 correct?

14 A Missouri St. Louis.

15 Q Missouri St. Louis. And it involved a fantasy  
16 league. Do you see that?

17 A Involved a head coach who actually owned and  
18 operated a fantasy league.

19 Q Okay. So it did not involve gambling at a  
20 casino or other legal sports book, correct?

21 A Not that I can recall.

22 Q And the next example is from University of  
23 Washington. Is that the Neuheisel example?

24 A That is, yes.

25 Q And it refers to March Madness pools. So this



1 one also did not involve sports gambling at a  
2 sports book or casino, correct?

3 A That is correct.

4 Q And the third example from University of  
5 Nebraska at Lincoln refers to a student  
6 bookmaker. Do you see that?

7 A Yes.

8 Q So this one also did not involve a casino or  
9 other illegal sports book, correct?

10 A Correct. These were only the major infractions  
11 cases, and do not account for the total number  
12 of cases that have been processed by the staff.

13 Q Do you know who put this slide together on  
14 "Sports Wagering Major Infractions Cases"?

15 A I do not know for certain, no.

16 Q Do you know what time period this slide is  
17 supposed to cover?

18 MR. DREYER: Objection to the form of the  
19 question.

20 A I do not.

21 (Deposition Exhibit 19 was marked for  
22 identification.)

23 Q Ms. Baker, you have been handed a document  
24 marked Exhibit 19. Do you recognize this  
25 document?

1 A It appears that it is a copy of the survey  
2 questions from the 2012 study.

3 Q Have you seen this document before today?

4 A I'm sure I have. I don't recall it. I'm  
5 somewhat a little more removed.

6 Q Do you know when the survey relating to the 2012  
7 study went out to the member institutions?

8 A I don't remember the specific date, no.

9 Q Approximately, do you remember when?

10 A I do not.

11 Q Do you remember whether it was over the summer  
12 or more recently in the fall?

13 A I don't remember.

14 Q Okay. Do you know what the current status of  
15 the 2012 study is?

16 A Yes.

17 Q What is the current status?

18 A Our research staff is trying to finalize the  
19 results.

20 Q So the surveys, completed questionnaires have  
21 been submitted at this point to the NCAA?

22 A That's my understanding, yes.

23 Q And the research team is --

24 A Let me clarify. I don't believe the responses  
25 are sent directly to the NCAA. I believe

1     A     I don't think we've ever had to remove anything,  
2           because they've always had sports betting, which  
3           has always applied to our policy.

4     Q     Do you know anything else about this provision  
5           in the New Jersey law regarding prohibited  
6           sports events, other than what you have already  
7           described?

8     A     I do not. It just appears to be a recognition  
9           that there's some harm that could come,  
10          otherwise why wouldn't those be included.

11    Q     That's just your speculation, correct?

12    A     Yes.

13                 (Deposition Exhibit 23 was marked for  
14           identification.)

15    Q     Ms. Baker, you have been handed a document  
16           marked Exhibit 23. I'd like you to take a look  
17           at it, and tell me whether you recognize it.

18    A     Yes, I do.

19    Q     What is this document?

20    A     It looks like it is results from a baseball  
21           umpire survey that was conducted specific to  
22           gambling, wagering or betting activities.

23    Q     Do you know what time frame this survey was  
24           conducted in?

25    A     It's been several years. I can't remember the

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1 of sports gambling, fantasy sports, and/or March  
2 Madness on the NCAA or its member institutions?

3 A I'm not, not that I recall, no.

4 MR. SIGLER: Let's take a break.

5 MR. DREYER: Sure.

6 (A recess was taken.)

7 Q Ms. Baker, are you aware of any studies that  
8 quantify the impact on the NCAA or its member  
9 institutions of New Jersey's legalization of  
10 sports gambling?

11 A Not that I can recall.

12 Q Are you aware of any studies regarding the  
13 impact on the NCAA or its member institutions of  
14 any state legalizing sports gambling?

15 MR. DREYER: Objection, asked and answered.  
16 You can answer.

17 A None that immediately come to mind.

18 Q Has the NCAA had any discussions with the NFL  
19 about its promotion of fantasy sports leagues?

20 MR. DREYER: Objection, asked and answered.

21 A I have not had any discussions with the NFL  
22 about its promotion.

23 Q Are you aware of any discussions by anyone from  
24 the NCAA with the NFL about its promotion of  
25 fantasy football?

1 Q For this litigation.

2 A No, I don't recall. I have received holds  
3 before, but nothing that I remember specifically  
4 to this.

5 Q Have you -- strike that.

6 Earlier today you mentioned receiving  
7 emails from the public expressing a view that  
8 match fixing could be occurring or could be a  
9 problem, correct?

10 A I have in the past.

11 Q When did you most recently receive an email like  
12 that?

13 A Oh, I haven't received one in a while.

14 Q Has it been years since you received one of  
15 those?

16 A Yes.

17 Q Ms. Baker, you're aware that the NCAA has an  
18 agreement with CBS and Turner Sports about the  
19 broadcast of March Madness, correct?

20 A I am.

21 Q And are you aware that it's a 14-year agreement  
22 for eleven billion dollars?

23 A Yes.


24 Q Are there any provisions that you're aware of,  
25 or policies that the NCAA has, restricting CBS



### ERRATA SHEET

I, RACHEL NEWMAN BAKER, do hereby certify that I have read the transcript of my October 30, 2012 deposition testimony, and further certify that it is a true and accurate record of my testimony (with the exception of the corrections listed below):

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE FROM</u>	<u>CHANGE TO</u>
8	3	past	part of
14	13	the	The
15	22	patient	position
17	7	tab	tap
20	7	Dina	Deana
53	13	illegal	legal
57	4	San Diego State	San Diego
58	5	San Diego State	San Diego
58	12	San Diego State	San Diego
96	7	internet through	internet, through
97	10	Correct.	The reference to "bookmaker" refers to both legal and illegal gambling.
104	13	get	bet
109	9	ballgames	bowl games
109	11	ballgames	bowl games
112	13	post	host
216	12	Dina	Deana

  
Rachel Newman Baker

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SUBSCRIBED AND SWORN TO BEFORE ME

THIS 20<sup>th</sup> DAY OF November, 2012.

  
(Notary Public)

9/27/2017  
MY COMMISSION EXPIRES

